

June 17 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANACloyd S. Moser #21995
- plaintiff,

- v -

Third Judicial
Dist Court.

Writ of Mandamus

FILED

JUN 17 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANAWrit of Mandamus

A writ to compel the performance of an
Act that the law specially enjoins as
A duty resulting from an office.

Complaint

On 1/20/2010 I filed a Motion Leave to
Rele an Dr. Mosser and Julie & Greg Thomas. I
filed By U.S. Mail To: Joan Burke, Clerk of Court
of Third Judicial District Court of Deer Lodge. After
45 days, I wrote Court and Asked why my
Motion has not been Addressed.

On March 22, 2010 Joan Burke responded by leave is not required to initiate an Action. And we never got it b or it was lost in transit.

So I sent another Copy on 4/5/2010

I sent Certified with return card. At witch time Polly Green resposed by returning my Motion and stating it's a civil matter and I should, use a Blue pen to sing it.

This is a criminal Matter not a Civil Matter.

Inclosed is copy's of All paper work.

I should have the right to file a leave to file Motion with the Court. The Clerk of Court is making Judgments for the Judge.

I've exhaustion of All Administrative Remedies. As my Montana Constitutional Rights have been Violated. I have a right to file for leave to file.

ReQuest for Relief

I need to be able to file Motion with the Court
As I'm a pro-se, and not a lawyer. And
I'm poor. I can't afford a lawyer. I need
Advisory Control of this lower Court.
To ensure that my rights to file in the
District Court are ensured.

I would like a Court Order to ensure
that my rights to the Court System is
ensured. Our be heard by this Court.

Dated this 6th day of May, 2010.

Lloyd S. Maier
Lloyd S. Maier #21995
700 Conley Lake Rd.
Deer Lodge, MT.
59722

Certificate of Service

I hereby Certifi I Sent a true and correct copy by U.S. Mail to:

Mt Supreme Court
~~Ed Smith~~
Clerk of Court

P.O. Box 203003
Helena, Mt.

59620-3003

Joan Burke
Clerk of District Court
409 Missouri Ave.
Deer Lodge, Mt.
59722

Dated this 6th day of May, 2010.

Wayne S. Maier
Wayne S. Maier #21995
700 Bailey Lake Rd.
Deer Lodge, Mt.
59722

Third Judicial Dist Court
Powell County

Lloyd S. Maier,
plaintiff,

— V —

Julie and Graig Thomas
Board of Pardons and Parole
Dr. Mozier Mental Health,
State prison, Montana,

Defendants.

leave to file

Statement

These Crimes have been perpetrated:

45-7-401 - Official Misconduct

45-7-208 - Tampering with public record or Information

45-7-101 - Bribery and Corrupt Influence

45-2-302 - Accountability exists

As of 3-31-08 I've tried to get a

a copy of the report Dr. Mozier had filed
In the Clemency Application plaintiff filed
in, 05. On 9/30/09 I looked at my
parole file on the floor of the parole Room
at Montana State prison. There was two
psych report in the file, But Mr Mozier
was missing. I asked gregg thomas were
this report was and he informed me I
could not have a copy due to security.
On 9/30/09 I filed a Informal Resolution.
On 10/28/09 I filed a Grievance form,
On 12/2/09 I filed Appeal to warden,
On ~~12/24/09~~ I filed Appeal to Correction
12/24/09 Division. still have not got a return on this one.

At each opportunity no one Addressed
the issue of why I could not have copy
of report. each person Lied and denied
Grievance.

So they Leave me ~~so~~ with no other option but to go to court.

I have a right to face my Accusers
There is no reason why I can't read or copy report.

2-6-102 Citizens entitled to inspect and copy public writing.

(#4) A public officer may withhold from public scrutiny information relating to Individual, if release of the information may Jeopardize the safety of facility personnel. Security feature that may be protected are architectural floor plans, blueprints, designs, drawings, building materials, alarm system plans, surveillance techniques, and facility staffing plans. including staff numbers and locations. there is required to protect an individual ~~from~~ privacy.

Not one of these apply to ~~my~~ plaintiff Report.

As in 46-23-110 this still does not give them the right to not Disclose.

IF a report about plaintiff and for plaintiff then why can't plaintiff see Report. Dr. Mozier and Julie and Graig Thomas have conspired to with hold Information based on a lie with no reason for there behavior other then Its public information and any one can have a copy but the plaintiff.

there behavior shows that something is not right as to way they can deny me access to the ~~Board~~ ~~Board~~ Board of pardon and I am not allowed to confront my Accusers. I should have a right to face my Accusers, they ~~was~~ used this report to deny me a Clemency hearing in 2005 and know because I want talk

talk to Dr. Mozier for my ~~2012~~ 2010
Clemency hearing know they have sent me
a letter denying me the right to
obtain a hearing.

I believe they have over stepped there
boundary. There is nothing in state law
that requires me to talk to Dr. Mozier and
as Mozier and the Thomas are construe
there ~~that~~ public office to Denie me the
right for a Clemency hearing.

The Montana Constitution #24 states I
plaintiff have a right to defend and appear
in person or by Counsel and to demand the
Nature and cause of the Accusation Against
them. I believe the defendant conspired to
tamper with public records.

By there corrupt Influence on each other
they use there offices to denie plaintiff his
Liberty Interest.

one is legally accountable for a crime committed by another when he, or she, with intent to facilitate the Commission thereof, effects the commission of the crime by another.

I also have the right to ~~challenge~~ ^{challenge} 44-5-21: anything Dr. Mozer put in a report that effects the outcome of a public Hearing. Yet All defendants are accomplices to the crimes I've wrote down on page 1 of the brief.

Inclosed will be copys of All Attempts to face my Accusers and the Attempts to discover why I am not being Allowed A Clemency hearing. The Defendants are using there pulbice office to committed these Crimes.

I Asked for the opportunity to prove this in a Court of law.

Also you will find a letter sent to me By, Jule Thomas Stating:
P.L.

Based on your failure to cooperate with psychological report, we are closing interest on your Executive Clemency application.

I've look at: 46-23-301 And there is nothing in State Law that requires me to seek out or get a psychological Report. As a requirement for Application. As the last time I talk to Dr. Mozier for 15 min 5 year's ago. He still want let me read the report he file then and why would I talk to Him know.

So by them denying my application they have become Judge, Jury, and executioner all in one.

I can't get a Clemency hearing if the people controlling the paper work pull what I call the shuffle.

Conclusion

The defendants are not allowing me to confront the Actuarial against me and taken paper work out of my file. When I looked at my private file Mr. Thomas never mentioned the shiek report. Until I brought it up. Mr. Mozier told me right to my face I would never see the report. Then Julie Thomas denied me a Clemency Hearing because I wouldn't talk to Mozier. 16 years ago I spit in Graig Thomas face after he violated my rights. Now he has conspired with other to deny my application. They do not have authority to take Justices in there hands. According to 46-23-301 The Board investigate my claim then makes recommendation to governor.

I believe there is official misconduct and tampering with public record and corrupt influence, taken place in my Application.

I believe I can prove this in a court
of Law in the Great State of Montana.
I ask for Leave to file these charges
on all defendants. Plaintiff ask for
leave to file.

Dated this 5 day of April, 2010.

Certificate of Service

I hereby Certifi I sent a true and accurate copy
By U.S. Mail to:

Joan Burke
Clerk of District Court
409 Missouri Ave.
Deer Lodge, Montana
59722

Dated this 5 day of April, 2010.

STATE OF MONTANA DEPARTMENT OF CORRECTIONS
MSP ☒ MWP ☐ CONTRACT FACILITY: _____

INMATE/OFFENDER INFORMAL RESOLUTION FORM

Name: Lloyd S. Maier Number: 21775 Housing: MSP Date: 9/30/09

Describe the problem. Include date and time the incident occurred, names of staff involved, description of any evidence, names of any witnesses. Name the person(s) you are grieving. WHAT did they do? WHEN did they do it? WHERE did this happen? & WHAT have you done so far to get the problem repaired?

On 9/30/09 I look at my parole file on the floor of visiting Area. I asked for a copy of Report Dr. Mosser file in 2005 at my clemency request.

I was informed it was taken out for Security Reason. This report is of me about me and would have no bearing on Security what so ever. I ask that you give me a copy or I will take you to court. your choice.

ACTION REQUESTED: Give me copy or go to court.

INMATE SIGNATURE: Lloyd S. Maier

By my signature above, I waive confidentiality to any records necessary to investigate and resolve my complaint and certify the truth of all my statements herein.

RESPONSE: The action you request is / is not appropriate because: _____

Requested action is granted ___ / denied ___. You have the right to grieve if this response does not satisfy you.

RESPONDANT SIGNATURE: _____ TITLE: _____ DATE: _____

I acknowledge that I have received this response. _____

INMATE SIGNATURE

DATE

GRIEVANCES MUST BE SUBMITTED WITHIN FIVE WORKING DAYS OF RECEIPT OF THIS RESPONSE. ATTACH COPIES OF ALL PERTINENT INFORMATION AND PLACE IN THE GRIEVANCE COLLECTION LOCK BOX. (GRIEVANCE FORMS ARE AVAILABLE FROM HOUSING STAFF)

WHITE - GRIEVANCE COORDINATOR

CANARY - INMATE COPY OF RESPONSE

PINK - INMATE RECEIPT

EMERGENCY

Staff Conduct

Do not write in this space

Medical

Operational procedure

Standard

Received by: _____ Date: _____ Gr. No.: _____

STATE OF MONTANA DEPARTMENT OF CORRECTIONS

MSP ☒ MWP ☐ CONTRACT FACILITY: _____

INMATE/OFFENDER GRIEVANCE FORM

Name: Lloyd S. Maier Number: 21775 Housing: MSP Date: 10/23/09

Description must include date and time incident occurred, attempts made to resolve, names of staff involved, description of any evidence, names of any witnesses. Name the person(s) you are grieving. WHAT did they do? WHEN did they do it? WHERE did this happen? & WHAT have you done so far to get the problem repaired?

On 3-31-08 I sent a letter to Craig Thomas and asked to look at 1205 Report Dr. Masser filed at my last Clemency application. Mr Thomas sent me a letter stating it was a safety interest and will withhold document.

Mr Thomas also sent a sticky stating to ask for it from prison. I filed an Informal on 9/30/09 there response was that the parole board owns the report and please refrain from threatening U.S. They were referring to Action requested where I stated Give me copy or go to Court. Next Continuation Form

ACTION REQUESTED: Give me copy of report or go to Court. That was a threat it is what I will do.

INMATE SIGNATURE: Lloyd S. Maier

By my signature above, I waive confidentiality to any records necessary to investigate and resolve my complaint and certify the truth of all my statements herein.

RESPONSE: _____

You have the right to appeal this response to the next level.

RESPONDENT SIGNATURE: _____ TITLE: _____ DATE: _____

I acknowledge that I have received this response. I do / do not intend to appeal to the next level.

INMATE SIGNATURE

DATE

YOUR APPEAL MUST BE SUBMITTED WITHIN FIVE WORKING DAYS OF RECEIPT OF THIS RESPONSE. Attach copies of all pertinent information and place in the grievance collection lock box. (Appeal forms are available from housing staff.)

GRIEVANCE RECORDS - WHITE

INMATE RESPONSE - CANARY

INMATE RECEIPT - PINK

STATE OF MONTANA DEPARTMENT OF CORRECTIONS
MSP ☒ MWP ☐ CONTRACT FACILITY: _____

INMATE/OFFENDER GRIEVANCE CONTINUATION FORM

(NOTE: Only one continuation page may be used.)

Name: Lloyd S. Maier Number: 21995 Housing: MSP Date: 12/13/09

I am not threatening anyone, I will be in court if you refuse to be reasonable and give me access to the report. I have a right to confront my Accuser and I can challenge any Document in my file. As you are hiding behind a Inmate Safety issue that you can't prove in court.

Campes-U-Coughlin (stating that officials "cannot" merely brandish the words "Security and Safety" and expect that their actions will automatically be deemed Constitutionally permissible Conduct).

Also 2-6-01 to 2-6-112 (2005) give me the right to take you to Court and challenge your Action.

The burden will fall on agency that denies the request for disclosure.

We don't have to go to court but that is all I can do as you are unreasonable and are hiding behind your State Job to deny me Access, to the Police report then use it against me at my Clemency hearing. I have a right to face my Accuser.

Your Choice.

Do not write in this space

Received by: _____ Date: _____ Gr. No.: 11-09-3

STATE OF MONTANA DEPARTMENT OF CORRECTIONS
MSP ☒ MWP ☐ CONTRACT FACILITY: _____

INMATE/OFFENDER GRIEVANCE APPEAL TO WARDEN/ADMINISTRATOR

Inmate Name: Lloyd S. Maier Number: 21995 Housing: B-unit Date: 11/22/07

State the reason you are appealing: I am appealing because Dr. Maier said right to my face he was not going to give me a copy. As the parole board is using his report to deny me the right to get a Clemency hearing. I have no other choice but to go to court as you will just rubber stamp and blow me smoke at me, so I have to go through the grievance system.

WARDEN / ADMINISTRATOR'S RESPONSE:

Appeal has been granted _____ denied _____ Date: _____

Comments:

You have the right to appeal this response to the Corrections Director. _____

Warden / Administrator's Signature

I acknowledge that I have received this response. I do / do not intend to appeal to the next level.

INMATE SIGNATURE _____

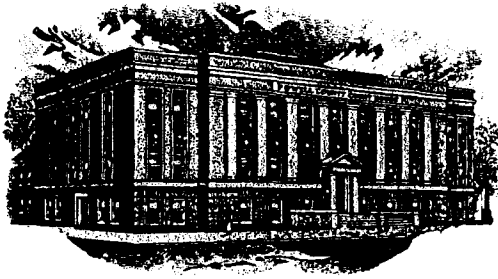
DATE _____

APPEALS TO THE CORRECTIONS DIRECTOR MUST BE SUBMITTED WITHIN FIVE WORKING DAYS OF RECEIPT OF THIS RESPONSE. ATTACH COPIES OF ALL PERTINENT INFORMATION AND PLACE IN THE GRIEVANCE COLLECTION LOCK BOX. (APPEAL FORMS AVAILABLE FROM HOUSING STAFF)

GRIEVANCE RECORDS - WHITE

INMATE RESPONSE - CANARY

INMATE RECEIPT - PINK



DEER LODGE, MONT.

March 22, 2010

Lloyd S. Maier
AO #21995
Montana State Prison
700 Conley Lake Road
Deer Lodge, MT 59722

Dear Mr. Maier,

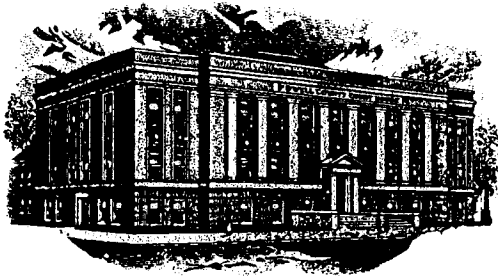
I have received your letter dated March 10, 2010 regarding a motion for leave to file. This office does not have the document that you refer to in your letter or any reference to it in our files or other Court files. Based solely on the title, it is likely that if you sent this document to this office it would have been returned to you because it is not a proper initiating document for the Court to consider. Generally speaking, leave is not required to initiate an action.

It is possible that what you have sent has been lost in transit. If that is the case, I am sorry for the inconvenience, but without any documentation, it is impossible for this office to do anything further for you. If you re-sent your information and it complies with the Rules of Civil Procedure or with any relevant statutes, we would be happy to file it for the Court's consideration.

If you feel that you have been wronged, the best course of action is the consult with an attorney.

Sincerely,

Joan Burke
Clerk of District Court



DEER LODGE, MONT.

April 16, 2010

Lloyd S. Maier
AO #21995
Montana State Prison
700 Conley Lake Road
Deer Lodge, MT 59722

Dear Mr. Maier:

I am returning the enclosed documents we received from you for your paper work is not proper for a commencement of a new action. First, please sign all the originals in blue ink so we will know that your documents are not copies and we can only file originals. Also you will need to follow the Rules of Civil Procedure to find out the proper procedure on filing a civil matter.

I would recommend contacting an attorney or checking with Montana Law Library for legal advice to filing your documents to make sure everything is done correctly and in the proper order.

Sincerely,

Polly Green
Deputy Clerk of District Court

CERTIFICATE OF SERVICE

I hereby certify that I served true and accurate copies of the foregoing by
depositing said copies into the U.S. mail, postage prepaid, addressed to the following:

Attorney for
(address)

DATED this 6 day of 14 2010

Doyd L. Meier
(signature)

Joan Burke
Clerk of District Court
409 Missouri Ave.
Deer Lodge, Montana
59722

MT. Supreme Court
Clerk of Court
P.O. Box 203003
Helena MT.
59620-3003